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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

5 TROLLERS T FLEMING AKA MALEKK
6 "X" SHABAZZ,

7 Plaintiff,

8 v.

9 THOMAS J. FLENAGLE, *et al.*,

10 Defendants.
11

No. 09-5681 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION DISMISSING
PLAINTIFF'S COMPLAINT

12 The Magistrate Judge recommends that this prisoner civil rights action be dismissed for
13 failure to state a claim. The Plaintiff has not filed an objection.
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15 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
16 Richard Creatura and the remaining record, does hereby find and ORDER:

- 17 (1) The Court adopts the Report and Recommendation;
- 18 (2) This action is **DISMISSED** prior to service. Claims relating to Plaintiff's
19 conviction are **DISMISSED WITHOUT PREJUDICE**. All other claims are
20 **DISMISSED WITH PREJUDICE**.
- 21 (3) The Clerk is directed to send copies of this Order to Plaintiff, and to the Hon. J.
22 Richard Creatura.

23 DATED this 14th day of January, 2010.

24 

25 FRANKLIN D. BURGESS
26 UNITED STATES DISTRICT JUDGE